

DD/A Registry
File *Legal*

26 MAY 1978

OFFICE OF LOGISTICS
PROCUREMENT NOTE NO. 114

ANTI-DISCLOSURE AGREEMENTS


1. Increasing numbers of corporations in the private sector are requiring Agency personnel to sign anti-disclosure agreements prior to conducting any business or briefings. Such statements are requested because, during the course of official duties, Agency personnel often receive proprietary information or trade secrets. Such information, while it does not normally have either patent or copyright protection, was developed at the private expense of the contractor and may far exceed the price paid by the Agency for it.

2. Procurement personnel are cautioned to protect information identified by contractors as proprietary from unauthorized disclosure since failure to do so may deprive the contractor of its property rights and expose the employee or the Agency to potentially large liability as well as costly and extended lawsuits.

3. All procurement personnel are directed to obtain written approval of General Counsel prior to executing any type of anti-disclosure agreement proffered by their contractors. Standard ASPR clauses such as 7-104.9 Rights In Technical Data, which are in our boiler plates, should provide necessary protection for all parties subsequent to contract execution.

4. A copy of the opinion from General Counsel, which is the basis for this promulgation, is attached for additional information and guidance.

STATINTL


James H. McDonald
Director of Logistics

Att

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